

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 4:05CR34-P-B

ORLANDO LEWAYNE PILCHER,

DEFENDANT.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant's May 10, 2005 motion to continue trial. Upon due consideration of the motion the court finds as follows, to-wit:

Trial is currently set for May 23, 2005. Defense counsel avers that met the with the defendant at the detention facility on May 3, 2005. Counsel intended to discuss evidence previously provided to counsel as well as the defendant's options in light of the court's current deadline to file a plea agreement. However, the defendant departed the meeting without allowing counsel the opportunity to discuss the foregoing. Defense counsel requests a continuance so to have additional time in which to confer with his client.

The Government has no objection to the trial continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from May 23, 2005 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford defense counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant's May 10, 2005 motion to continue trial is hereby **GRANTED**;
- (2) Trial of this matter is continued until Tuesday, July 19, 2005, at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
- (3) The delay from May 23, 2005 to July 19, 2005 is excluded as set out above;
- (4) The deadline for filing pretrial motions is June 28, 2005; and
- (5) The deadline for submitting a plea agreement is July 5, 2005.

SO ORDERED, this the 11th day of May, A.D., 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE